

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231*(New)*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/873,215 06/11/97 HANSON

H 16312P001US

WM01/0201

EXAMINER

JAMES J MURPHY
WINSTEAD SECHREST & MINICK
5400 RENAISSANCE TOWN
1201 ELM STREET
DALLAS TX 75270

WEAVER, S

ART UNIT

PAPER NUMBER

2645

21

DATE MAILED:

02/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

G

Office Action Summary

Application No. 08/873,215	Applicant(s) Hanson
Examiner Scott L. Weaver	Group Art Unit 2645

Responsive to communication(s) filed on paper #18 filed 11/16/2000.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-21, 23-34, 36, 37, 40-42, 44, 45, 48-60, and 62-73 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 7-11, 14, 15, 17, 21, 23, 28-34, 36, 37, 40-42, 44, 45, 48-57, 62-70, and 62-73 is/are allowed.

Claim(s) 1-3, 6, 12, 13, 16, 18-20, 24-27, 58-60, 71, and 73 is/are rejected.

Claim(s) 4 and 5 is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2645

Part III DETAILED ACTION

1. Applicant's arguments with respect to claims 1-21, 23-34, 36-37, 40-42, 44-45, 48-60 and 62-73 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings have been declared informal by the applicant. Correction will be held in abeyance until the application is indicated allowable.

Claim Rejections - 35 U.S.C. § 112

3. Claims 1-2, and 71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 71, the limitation states that control of the switching circuitry and voice processing circuitry is by not more than one microprocessor or a single microprocessor as per claim 71. This causes confusion, as considering claim 2 for example, signal processing circuitry is coupled to the microprocessor, a signal processing circuit in the voice processing circuit as described also provides control via for example the functions on p.20,ln.7-18 and further description is to a micro housing 301 providing control via p.14,ln.16-p.16,ln.2. Therefore it is not clear as to the definite intent of the phrase "controlled by" with respect to the description provided as clearly there is control provided by other than the described one microprocessor. Further, the disclosure provides use of a digital signal processor in the voice processing circuitry which by definition thereof a DSP is a microprocessor, therefore there is control by more than one microprocessor as claimed causing confusion as to what is intended by the phrase controlled by and no more than one microprocessor.

In claim 2, "the single microprocessor" lacks positive antecedent basis, a change of "single" to -- one-- would be appropriate.

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371[®] of this title before the invention thereof by the applicant for patent.

Art Unit: 2645

5. Claims 71 is rejected under 35 U.S.C. 102(b) as being anticipated by Sharma et al. (#5,452,289).

Sharma teaches a call and voice processing system with switching circuitry to connect a call to a telecommunications device connected to the system, the voice processing circuitry interacting with the call and controlled by a single microprocessor (figure 3; col.8,ln.25-col.9,ln.10; col.10,ln.10-44; col.39,ln.51-col.40,ln.16; col.10,ln.45-col.11,ln.32; col.41,ln.47-66). Sharma teaches those features and functions in the claims as noted above via reference to the specific passages cited and as pertains to the system operable by a single set of software, recording of the call, call processing tone generator for generating and transmitting "standard" call processing tones. Claim 71 is extremely similar in scope to the previously presented claim 1 in paper #9 filed 7/27/1999. As noted, the claim does not exclude control of some type however remote that control may be by more than one microprocessor. Due to the confusion noted above, it is not clear as to how the remarks of the response point out the difference between that claimed and that taught by the reference.

6. Claims 3, 6, 12-13, 16, 18-20, 24-27, 58-60, and 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Daly et al. (#5,274,738)

Daly teaches (figure 1) a telephone call and voice processing system (14) including switching circuitry in form of digital cross point matrix (in as far as such phrase is defined in the art) (via TDM chip) to receive a call and connect the call to a telecommunication device (22a-22b) coupled to the system and voice processing circuitry for interacting with the call. The user is able to record via use of tacitly initiated key presses to perform various function as claimed (via col.4,ln.18-34).

Conclusion

7. The definite patentability of claims 1-2 can not be determined at this time due to the confusion noted above, Claims 4-5, 7-11, 14-15, 17, 21, 23, 28, 30-31, 40-42, 44-45, 48-57, 62, 64-70, and 72 are indicated allowable as noted below. The prior art of record at this time does not clearly teach with respect to claim 17, the claimed combination with a conference bridge. The prior art of record at this time does not clearly teach with respect to claims 21 and 28, the tacitly initiated signal is produced when a user presses a record button on an extension telephone coupled to the system, similarly with respect to dependent claim 62 which would be allowable if rewritten to include all of the limitations of the base and intervening claims. The prior art of record at this time does not clearly teach with respect to claim 40, the combination as claimed wherein the claimed signals are activated by the user while the telephone extension is connected to a call, similarly with respect to dependent claims 30 and 64 which would be allowable if rewritten to include all of the limitations of the base and intervening claims. The prior art of record at this time does not clearly teach with respect to claim the distinct invention including the method for broadcasting a voicemail message to a plurality of mailboxes including all of the presented steps, similarly with respect to the apparatus for performing the steps as per claims 53.

8. The prior art made of record and not relied upon is considered particularly pertinent to applicant's disclosure.

Art Unit: 2645

9.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label "PROPOSED"
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is (703) 308-6974. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



SCOTT L. WEAVER
PRIMARY EXAMINER



Art Unit 2645